

## ALASKA DISTRICT TERM AT ANCHORAGE

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NOVEMBER 1 (legislative day, OCTOBER 25), 1943.—Ordered to be printed

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Mr. VAN NUYS, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany H. R. 1622]

The Committee on the Judiciary, to whom was referred the bill (H. R. 1622) to provide for a general term of the District Court for the District of Alaska, at Anchorage, Alaska, having considered the same, report the bill favorably to the Senate, and recommend that the bill do pass.

The purpose of the bill is merely to provide for a general term of the United States district court at Anchorage, Alaska, instead of at Valdez. The United States courthouse at Valdez was completely destroyed by fire in December 1940 and there is no building in Valdez in which court can be held. Valdez is declining as a populous city while there are available facilities at Anchorage. Another minor change to be effected by the bill corrects the word "districts" as it appears in section 4 of the Alaska organic act to "divisions."

The bill is recommended by the Director of the Administrative Office of United States Courts and the Attorney General and the following communications received by the chairman of the Senate Judiciary Committee concerning same are appended.

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ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,  
Washington, D. C., October 4, 1943.

Mr. FLOYD J. MATTICE,  
Assistant Clerk, Committee on the Judiciary,  
United States Senate, Washington, D. C.

DEAR MR. MATTICE: You have recently asked for an expression of my views concerning a bill to provide for a general term of the District Court for the District of Alaska at Anchorage, Alaska, H. R. 1622.

The purpose of the bill is to change the section of the statute in reference to the Government of Alaska which fixes the times of holding the terms of the district court of that Territory, to provide that the general term for the third division shall be held at Anchorage instead of Valdez as now prescribed (title 48, U. S. C., sec. 102). The courthouse at Valdez burned sometime ago and Judge Simon Hellenthal, United States district judge for the third division, advised this office

that there was a Government building in Anchorage that would be suitable for the use of the court and convenient for the division, and that he would not recommend any effort to restore the building at Valdez which was burned. Since then the court has held its sessions for the third division in Anchorage. The proposed change in the statute would conform with the present practice in this regard and seems desirable.

The bill also transfers from the Attorney General to the judicial council for the ninth circuit the power to determine whether terms of court shall be held at any other places than those prescribed by the statute and if so at what places. This is in accordance with the provision of the Administrative Office Act (sec. 306 of the Judicial Code, title 28, U. S. C., sec. 448) giving the councils certain supervisory powers over the administration of the business of the district courts. The bill transfers from the Attorney General to the Director of the Administrative Office the function of fixing the compensation of the official stenographers of the district courts in the different divisions of the Territory. This is in accordance with the Administrative Office Act which vested in the Director of the Administrative Office the power to fix the compensation of court officers and employees not fixed by statute.

The bill conforms with the situation created by the burning of the former courthouse at Valdez in the third division and harmonizes with the present method of regulating the administration of the Federal courts.

Sincerely yours,

JANUARY 15, 1943.

HON. FREDERICK VAN NUYS,  
*Chairman, Committee on the Judiciary,*  
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: Existing law (sec. 4 of the Alaska Organic Act, approved June 6, 1900, 31 Stat. 322, as amended by the act approved Mar. 2, 1921, 41 Stat. 1204, U. S. C., title 48, sec. 102; Compiled Laws of Alaska, 1933, sec. 1092) provides that a general term of the District Court for the District of Alaska be held at Valdez, in the third division of Alaska.

In December 1940 the United States courthouse and jail at Valdez was completely demolished by fire. At the present time there is no place in Valdez where court may be held. For this reason and also because Valdez is rapidly declining as a center of population, the court officials of the third division have transferred their headquarters to Anchorage, where a new building was recently constructed and adequate facilities for all judicial activities are available.

In view of the foregoing circumstances, it is felt that the law should be so amended as to provide for a general term at Anchorage instead of at Valdez.

Accordingly, I recommend legislation to amend section 4 of the act of June 6, 1900, as amended, by striking out the word "Valdez" and substituting therefor the word "Anchorage."

The word "districts" as it appears in said section 4 obviously should be "divisions," as Alaska constitutes but one judicial district, divided for judicial purposes into four divisions. I therefore recommend that the existing law be amended accordingly.

A proposed bill to effectuate the foregoing recommendations is enclosed herewith.

I have been informed by the Director of the Bureau of the Budget that the proposed legislation is in accord with the program of the President.

Bills (S. 2083; H. R. 6321) identical with that under consideration were introduced in the Seventy-seventh Congress but no action was taken thereon.

Sincerely yours,

*Attorney General.*